



**Beacon
Academy**

12325 Highway 55
Plymouth, MN 55441

RECEIVED & INSPECTED

MAR 20 2006

FCC - MAILROOM

Phone: 763-546-9999

Fax: 763-593-9382

Email: jford@beaconacademy.com

Website: www.beaconacademy.com

DOCKET FILE COPY ORIGINAL

March 16, 2006

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Request for Review
CC Docket No. 02-6
CC Docket No. 96-45

To Whom It May Concern:

I am writing on behalf of Beacon Academy, located at 12325 Hwy 55, Minneapolis, MN 55441 to appeal a Schools and Libraries Division (SLD) decision that appears to be in error. My appeal relates to the following:

| | |
|-------------------------------|--|
| Billed Entity Applicant Name: | Beacon Academy |
| Funding Request Number: | 1319538 |
| Form 471 Application Number: | 477882 |
| Contact Name: | Jordan Ford |
| Contact Phone Number: | 763/546-9999 |
| Contact Fax Number: | 763/593-9382 |
| Contact Email: | jford@beaconacademy.com |

This Request for Review is for the reason that Beacon Academy has been denied E-Rate funding by SLD because of a contract violation for Funding Year 2005. An appeal letter was mailed to SLD on December 15, 2005. A denial letter from SLD was received by Beacon Academy on February 8, 2006.

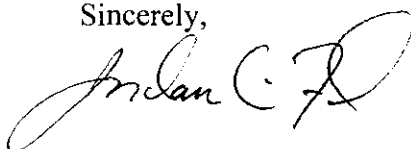
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List A B C D E

SLD contends that there was no contract for the requested products/services signed and dated by both parties prior to the filing of the Form 471. Please find attached a copy of the SLD denial letter. Also attached is a letter from the Corporate Counsel of Ban-Koe Systems, Inc. explaining the contract date and how their contract meets the legal requirements under the UCC for an enforceable contract.

It is extremely important and vital to Beacon Academy to receive E-Rate funds. We contend that the Ban-Koe contract did meet the legal obligation of having to be signed and dated by both parties prior to the filing of the Form 471 for Funding Year 2005.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jordan C. Ford", written over a horizontal line.

Jordan Ford
Principal
Beacon Academy
12325 Highway 55
Plymouth, MN 55441

CC: Funding Commitment Report dated 11/02/2005
Ban-Koe explanation letter dated 11/1/2005
Appeal Letter to SLD dated 12/15/2005
USAC denial letter dated 2/8/2006
Letter from Ban-Koe Corporate Counsel dated 3/9/2006



Beacon Academy

12325 Highway 55
Plymouth, MN 55441

Phone: 763-546-9999
Fax: 763-593-9382
Email: jford@beaconacademy.com
Website: www.beaconacademy.com

December 16, 2005

Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondance Unit
80 South Jefferson Road
Whippany, NJ 07981

RE: Funding Year 2005-2006 Appeal for Billed Entity Number 16021080

Dear Sir or Madam:

I am writing on behalf Beacon Academy, located at 12325 Highway 55, Plymouth, MN 55441 to appeal an application decision that appears to be in error. My appeal relates to the following:

Billed Entity Applicant Name: Beacon Academy
Funding Request Number: 1319538
Form 471 Application Number: 477882
Contact Name: Jordan Ford
Contact Phone Number: 763/546-9999
Contact Fax Number: 763/593-9382
Contact E-mail: jford@beaconacademy.com

The reason given for the above denial is that "FCC rules require that a contract for the products/services be signed and dated by both parties prior to the filing of the Form 471. This requirement was not met".

In support of this appeal, I enclose the following:

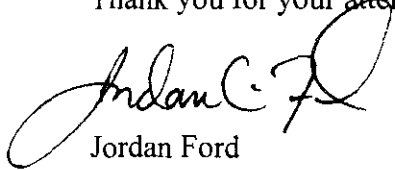
Photocopy of denial letter dated 11/02/2005.
Photocopy of Ban-Koe Companies Sales Agreement
Photocopy of Letter from Ban-Koe

Please find attached a copy of a signed Ban-Koe Companies quote dated 02/16/2005, Job Name, ERATE 2005. Per E-Rate rules, there are signatures of both Ban-Koe Companies

and Beacon Academy representative as well as the automatic Ban-Koe date stamp at the top right corner of the agreement. Also enclosed is a letter from Ban-Koe Companies explaining how their Sales Agreements are automatically dated on the day that the customer signs the agreement. It is not possible for this date to be altered as the cell is password protected and the password is unknown to the users.

It is extremely important and vital to Beacon Academy to receive E-Rate funds to successfully continue their School. Without the continuation of funds, at a 40% discount, Beacon Academy will suffer substantial financial difficulties.

Thank you for your attention to this matter.

A handwritten signature in black ink, appearing to read "Jordan C. Ford", with a large, stylized flourish at the end.

Jordan Ford
Beacon Academy
12325 Highway 55
Plymouth, MN 55441
763/546-9999

Ban-Koe Companies

Schools and Libraries, Letter of Appeal
Box 125 - Correspondence Unit, 80 South
Jefferson Road, Whippany, NJ 07981

The contract date on all Ban-Koe Sales Contracts is produced automatically by the Excel formula [=now()] and is located at the top right corner of the contract, which is the date an authorized individual signs the contract for the company. In order to maintain the integrity of this date, this cell is password protected and the password is unknown to users and/or those who write up sales contracts.

Minnesota
Corporate Headquarters
Ban-Koe Companies, Inc.
800 W. Bloomington Fwy
Minneapolis, MN 55431
(612) 888-6688

Illinois
80 State Street - Suite A
Orlando, IL 61602
(312) 676-1147

Wisconsin
20 Lincoln Road
Menomonee Falls, WI 53222
(414) 359-8663

Wisconsin
800 Grand Avenue
St. Francis, WI 53009
(262) 244-2139

Michigan
800 Costa NE
Grand Rapids, MI 49525
(616) 364-8877

North Dakota
2 Broadway #3
Fargo, ND 58102
(701) 293-9988

South Dakota
12 North Main Ave.
Sioux Falls, SD 57104
(605) 977-6612

Wisconsin
1 S. Chestnut
Crescent, MN 55947
(763) 895-4081

www.bankoe.com

Signature: 

Date: 11-1-05

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Beacon Academy

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FUNDING COMMITMENT REPORT
Billed Entity Name: BEACON ACADEMY
BEN: 16021080
Funding Year: 2005

Form 471 Application Number: 477882
Funding Request Number: 1319538
Funding Status: Not Funded
Category of Service: Internal Connections
Form 470 Application Number: 300480000
SPIN: 143021171
Service Provider Name: Ban-Koe Systems Inc.
Contract Number: ERATE 2005
Billing Account Number: N/A
Service Start Date: 07/01/2005
Contract Expiration Date: 06/30/2006
Site Identifier: 16021080
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$1,609.00
Pre-discount Amount: \$1,609.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Contract Violation
Funding Commitment Decision Explanation: FCC rules require that a contract for the products/services be signed and dated by both parties prior to the filing of the Form 471. This requirement was not met.

FCDL Date: 11/02/2005
Wave Number: 019



Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2005: 07/01/2005 - 06/30/2006)

November 2, 2005

Debbie Wells
BEACON ACADEMY
12325 HIGHWAY 55
PLYMOUTH, MN 55441

Re: Form 471 Application Number: 477882
Funding Year 2005: 07/01/2005 - 06/30/2006
Billed Entity Number: 16021080
Billed Entity FCC RN: 001193753
Applicant's Form Identifier: BEACON-05-2

Thank you for your Funding Year 2005 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$643.60 is "Denied."

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service provider) or Form 472 (Billed Entity) - as products and services are being delivered and billed

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) after you file your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that provides a definition for each line of the Report.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by the SLD or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) e-mail address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,

IMPORTANT REMINDERS & DEADLINES

Billed Entity Number : 16021080
Name of Billed Entity: BEACON ACADEMY

The following information is provided to assist you throughout the application process. We recommend that you keep it in an easily accessible location and that you share it with the appropriate members of your organization.

FCC REGISTRATION NUMBERS (FCC RNs) - Effective November 1, 2004, the FCC's Fifth Order (FCC 04-190 released August 13, 2004) requires E-rate program participants to have FCC Registration Numbers. Please continue to review our web site for additional guidance.

FORM 486 DEADLINE - The Form 486 must be postmarked no later than 120 days after the Service Start Date you report on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. If you are required to have a Technology Plan, that plan must cover all 12 months of the funding year. You must indicate the name of the SLD-Certified Technology Plan Approver (TPA) prior to the commencement of discounted services for this funding year. You must indicate the name of the SLD-Certified TPA who approved your plan in your Form 486, and you must retain your approval letter and documentation of your monitoring of the progress toward your stated goals.

CHILDREN'S INTERNET PROTECTION ACT (CIPA) - Please review the CIPA guidance in the Form 486 Instructions, Section II, "IMPACT OF CIPA REQUIREMENTS ON FORM 486."

INVOICE DEADLINE - Invoices must be postmarked no later than 120 days after the last date to receive service - including extensions - or 120 days after the date of the Form 486 Notification Letter, whichever is later. Invoices should not be submitted until the invoiced products and services are being delivered and billed, and (for BEAR Forms) the provider has been paid.

OBLIGATION TO PAY NON-DISCOUNT PORTION - Applicants are required to pay the non-discount portion of the cost of the products and/or services. Service providers are required to bill applicants for the non-discount portion. The FCC has stated that requiring applicant to pay their share ensures efficiency and accountability in the program. FCC 04-190 concluded that a presumptively reasonable timeframe for a beneficiary to pay its non-discount share is 90 days after the completion of services. If you are using a trade-in as part of your non-discount portion, please refer to the web site for more information.

DOCUMENTATION RETENTION - FCC rules require that documents demonstrating compliance with the statute and Commission rules must be retained for a period of at least five years after the last day of service delivered. See "Document Retention Requirements" in FCC 04-190 for a descriptive list of many of the documents you must retain.

SUSPENSION AND DEBARMENT - Persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the Schools and Libraries Support Mechanism are subject to suspension and debarment from the program.

FREE SERVICES ADVISORY - Applicants and service providers are prohibited from using the Schools and Libraries Support Mechanism to subsidize the procurement of ineligible or unrequested products and services, or from participating in arrangements that have the effect of providing a discount level to applicants greater than that to which applicants are entitled.

Complete program information - including more information on these reminders - is posted to the SLD section of the USAC web site at www.sl.universal-service.org. You may also contact the SLD Client Service Bureau by e-mail using the "Submit a Question" link on the web site, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.